

EXHIBIT D

Case 3:19-cv-00843 Document 272-4 Filed 11/14/22 Page 1 of 6 PageID #: 6328

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

In re: Nissan North America, Inc. Litigation

Case No. 3:19-cv-00843

District Judge William L. Campbell, Jr.

Magistrate Judge Jeffrey S. Frensley

**DEFENDANT NISSAN MOTOR CO., LTD.'S
INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Defendant Nissan Motor Co., Ltd. (“NML”), by and through its undersigned counsel of record, hereby submits its Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1).

1. Scope of Disclosures

In meeting the disclosure obligations of the Federal Rules of Civil Procedure, NML reviewed the Consolidated Class Action Complaint in the above-captioned action to determine the claims alleged with particularity. The named Plaintiffs allege that they own or lease a 2017 and 2018 model year Nissan Rogue, 2017 and 2018 model year Nissan Rogue Sport, and 2018 model year Nissan Murano (“subject vehicles”). NML will consider the appropriate scope of its disclosure to be 2017-2018 model year Nissan Rogue, 2017-2018 model year Rogue Sport, and 2018 model year Murano vehicles manufactured by NML or Nissan North America (“NNA”) for distribution in the United States.

Because NML has not completed its investigation in this case, and discovery has just commenced, it is probable that further discovery, independent investigation, and case analysis will supply additional facts, add new meaning to the known facts, or establish entirely new factual conclusions, all of which may make necessary additions to, changes in, and variations from the information contained within this disclosure. As necessary, NML will supplement the disclosure in compliance with the Federal Rules of Civil Procedure.

2. **Persons with Discoverable Information to Support Claims or Defenses**

Based on information learned to date, NML identifies Plaintiffs Robert Garneau, Lisa Hendrickson, Nancy Housell, Courtney Johnson, Jeffrey Olkowski, Vaughn Kerkorian, Rhonda Perry, Jane Reeves, Scott Reeves and David Turner as persons who may have discoverable information used to support its claims and defenses. Plaintiffs' specific knowledge is unknown to NML at this time.

In addition, NML refers Plaintiffs to the individuals identified in NNA's Initial Disclosures.

Depending on the ultimate issues deemed relevant to this case, there could be various NML employees with discoverable information that NML may use to support its claims or defenses. Those individuals may be identified after investigation and discovery have progressed, and NML will supplement this response in accordance with the requirements set forth in the Local Rules and the Federal Rules of Civil Procedure. At this time, NML identifies the following groups:

- a. AD/ADAS Advanced Technology Engineering Department (XE0) had design and development responsibility for new Automatic Emergency Braking/Forward Emergency Braking systems such as those found in the U.S. bound 2017-2018 Nissan Rogue and Nissan Rogue Sport, up through start of production.
- b. AD/ADAS Engineering Department (XF0) is responsible for application engineering for Automatic Emergency Braking/Forward Emergency Braking systems that have been developed by the Advanced Technology Engineering Department.
- c. AD/ADAS Performance Test Group (XR3) performed vehicle level testing of the Automatic Emergency Braking/Forward Emergency Braking systems.

3. Damages

NML is not claiming damages at this time.

4. Insurance Agreements

No known applicable policies.

5. Documents

NML refers Plaintiffs to the documents identified in NNA's Initial Disclosures. NML further identifies the following categories of documents, data compilations and tangible things that may be used to respond to Plaintiffs' claims or support NML's defenses:

- (a) Design drawings and design notes for the components/systems related to the operation of the Forward Emergency Braking/Automatic Emergency Braking ("AEB/FEB") system installed in the U.S. bound 2017-2018 Nissan Rogue, 2017-2018 Nissan Rogue Sport, and 2018 Nissan Murano vehicles;
- (b) Specification tenders for the components/systems related to the operation of the AEB/FEB system installed in the U.S. bound 2017-2018 Nissan Rogue, 2017-2018 Nissan Rogue Sport, and 2018 Nissan Murano vehicles;
- (c) Nissan Engineering Manuals (NEMs) and Nissan Design Standards (NDS), if any, that relate to operation of the AEB/FEB system installed in the U.S. bound 2017-2018 Nissan Rogue, 2017-2018 Nissan Rogue Sport, and 2018 Nissan Murano vehicles; and
- (d) Vehicle level engineering test reports regarding performance of the components/systems of the AEB/FEB system installed in the U.S. bound 2017-2018 Nissan Rogue, 2017-2018 Nissan Rogue Sport, and 2018 Nissan Murano vehicles.

The documents listed under (a)-(d) represent confidential and proprietary information and will be produced pursuant to a protective order entered in this lawsuit.

Dated: January 21, 2020

/s/ E. Paul Cauley, Jr.

Brigid M. Carpenter (BPR No. 18134)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.
211 Commerce Street
Suite 800
Nashville, Tennessee 37201
Telephone: (615) 726-7341
bcarpenter@bakerdonelson.com

E. Paul Cauley, Jr.* (Bar No. 04018900)
S. Vance Wittie* (Bar No. 21832980)
DRINKER, BIDDLE & REATH, LLP
1717 Main Street
Suite 5400
Dallas, Texas 75201
Telephone: (469) 357-2500
paul.cauley@dbr.com
vance.wittie@dbr.com

Paul Jeffrey Riehle* (Bar No. 115199)
Matthew Jacob Adler* (Bar No. 273147)
DRINKER BIDDLE & REATH, LLP
Four Embarcadero Center
27th Floor
San Francisco, California 94111
Telephone: (415) 591-7521
matthew.adler@dbr.com
paul.riehle@dbr.com

*Attorneys for Defendant Nissan
Motor Co., Ltd.*
*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on counsel for the parties listed below via electronic service:

<p>W. Daniel “Dee” Miles, III, pro hac vice H. Clay Barnett, III, pro hac vice James Mitchell Williams, pro hac vice BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. 218 Commerce Street Montgomery, Alabama 36104 Telephone: (334) 269-2343 dee.miles@beasleyallen.com clay.barnett@beasleyallen.com mitch.williams@beasleyallen.com</p>	<p>Benjamin L. Bailey, <i>pro hac vice</i> Jonathan D. Boggs, <i>pro hac vice</i> Michael L. Murphy, <i>pro hac vice</i> BAILEY GLASSER, LLP 209 Capitol Street Charleston, West Virginia 25301 Telephone: (304) 345-6555 bbailey@baileyllasser.com jboggs@baileyllasser.com mmurphy@baileyllasser.com</p>
<p>Jaimie Mak, pro hac vice RICHMAN LAW GROUP 81 Prospect Street Brooklyn, NY 11201 Telephone: (718) 705-4579 jmak@richmanlawgroup.com</p>	<p>J. Gerard Stranch, IV Benjamin A. Gastel BRANSTETTER, STRANCH & JENNINGS, PLLC 223 Rose L. Parks Avenue, Suite 200 Nashville, Tennessee 37203 Telephone: (615) 254-8801 gerards@bsjfirm.com beng@bsjfirm.com</p>
<p>Joel Dashiell Smith Lawrence Timothy Fisher Frederick J. Klorczyk, III BURSOR & FISHER, P.A. 1990 North California Boulevard, Suite 940 Walnut Creek, California 94596 Telephone: (925) 300-4455 jsmith@bursor.com ltfisher@bursor.com fklorczyk@bursor.com</p>	<p>Adam J. Levitt, <i>pro hac vice</i> John E. Tangren, <i>pro hac vice</i> Daniel R. Ferri, <i>pro hac vice</i> DICELLO LEVITT & GUTZLER, LLC Ten North Dearborn Street, Eleventh Floor Chicago, Illinois 60602 Telephone: (312) 214-7900 alevitt@dlcfirm.com jtangren@dlcfirm.com dferri@dlcfirm.com</p>
	<p>Daniel A. Schlanger, <i>pro hac vice</i> SCHLANGER LAW GROUP, LLP 9 East 40th Street, Suite 1300 New York, New York 10016 Telephone: (212) 250-6114 dschlanger@consumerprotection.net</p>

on this 21st day of January, 2020.

/s/ E. Paul Cauley, Jr.
E. PAUL CAULEY, JR.